

J. Sauglas
#20
2/12/04
RECEIVED
CENTRAL FAX CENTER
FEB 10 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Sezan, et al.

Art Unit: 2614

Serial No.: 09/298,292

Examiner: Belliveau, Scott A.

Filed: April 23, 1999

Docket: 8371-056

For: DTV DATA SERVICE APPLICATION AND RECEIVER MECHANISM

OFFICIAL

REPLY BRIEF

Assistant Commissioner

for Patents

Washington, D.C. 20231

Dear Sir:

In response to the Examiner's Answer in the above-captioned appeal, appellants submit this reply.

Claim 1

In the Examiner's Answer to claim 1, the Examiner states "One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." Appellants are aware of this and had so stated that "the Examiner relies upon" the particular reference. This discussion was in response to the Examiner's rejection arguments and was not intended to be construed as an attack on the individual references.

Claims 4, 7, 10 and 11

With regard to the Examiner's Answer to these specific claims, the Examiner stated, "Although claims are interpreted in light of the specification, limitations from the specification are not read into the claims." However, where a specific definition is given for a particular term, "It is only when the

specification provides definitions for terms appearing in the claims that the specification can be used in interpreting the claim language. *In re Vogel*, 422 F.2d 438, 441, 165 USPQ 619, 622 (CCPA 1970).

With regard to claim 4, the Examiner states that the arguments are based upon a limitation that is not in the claims, i.e., the video reference generator generates references to key clips. However, this is described on page 12 of appellants' specification.

With regard to claim 7, the Examiner states that the arguments are based upon a limitation that is not in the claims, i.e., inclusion of a defined format identified at the transmitting end. The language of claim 7 is:

7. The system as claimed in claim 1, wherein said *defined format identifying key clips* of an audiovisual program further comprises *an identification of the content of the key clip, wherein said content includes events and objects associated with said key clip.*

Appellants submit that this language is in the claim, as emphasized above.

With regard to claims 10 and 11, the Examiner states that the Appellants are relying upon a limitation that is not in the claims. In light of *In re Vogel*, and Appellants' specification on pages 14 and 15, Appellants submit that this limitation is in the claims.

Having responded to the Examiner's arguments, Appellants renew their request that the final rejections be reversed.

Respectfully submitted,

Marger, Johnson & McCollom, P.C.
1030 SW Morrison Street
Portland, OR 97205
(503) 222-3613

Julie L. Reed
Julie L. Reed
Reg. No. 35,349

MARGER JOHNSON & McCOLLOM
PROFESSIONAL CORPORATION

PATENT, TRADEMARK AND COPYRIGHT LAW,
TECHNOLOGY LICENSING & LITIGATION

RECEIVED
CENTRAL FAX CENTER

FEB 10 2004

OFFICIAL

1030 SW MORRISON STREET
PORTLAND, OREGON 97205 USA

(503) 222-3613
FAX: (503) 274-4622

Internet: www.techlaw.com

TO: **APPEAL BRIEF-PATENTS**
USPTO

FAX: **(703) 872-9306**

FROM: Julie L. Reed, Registration No. 35,349

Date: February 2, 2004

Re: 8371-056 – **Reply Brief in TRIPLICATE**

Number of pages (including this one): 8

In case of error in transmission, call: (503) 222-3613

REMARKS:

In re application of: Sezan, et al.

Serial No.	09/298,282	Examiner:	Beliveau, Scott A.
Filed:	April 23, 1999	Group Art Unit:	2614
For:	DTV DATA SERVICE APPLICATION AND RECEIVER MECHANISM		

NOTICE

This facsimile transmission is attorney-client privileged and confidential information intended only for the recipient named above. If you are not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this communication is strictly prohibited. If you have received this transmission in error, contact us immediately at the number above.

PATENT
Do. No. 8371-056

IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

In re application of: Sezan et al.

Confirmation No.: 1864

Serial No.: 09/298,282

Examiner: Scott E. Beliveau

Filed: April 23, 1999

Group Art Unit: 2614

For: DTV DATA SERVICE APPLICATION AND RECEIVER
MECHANISM

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF
(PATENT APPLICATION - 37 C.F.R. § 1.193)

1. Transmitted herewith in triplicate is the REPLY BRIEF in this application, with respect to the Examiner's Answer dated December 2, 2003.
2. Any deficiency or overpayment should be charged or credited to deposit account number 13-1703.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C

Julie L. Reed

Julie L. Reed
Reg. No. 35,349

MARGER JOHNSON & McCOLLOM, P.C.
1030 SW Morrison Street
Portland, Oregon 97205
503-222-3613
Customer No. 20575

I hereby certify that this correspondence
is being transmitted to the U.S. Patent and
Trademark Office via facsimile number
(703) 872-9306, on February 2, 2004.

Signature
Julie L. Reed
Name: Julie Reed